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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
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13 **ELOY ORTIZ OAKLEY, in his official**
14 **capacity as Chancellor of California**
15 **Community Colleges et al.,**

16 Plaintiffs,

17 v.

18 **BETSY DEVOS, in her official capacity as**
19 **the United States Secretary of Education;**
20 **U.S. DEPARTMENT OF EDUCATION,**

21 Defendants.
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Case No. 20-cv-03215-YGR

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Honorable Yvonne Gonzalez
Rogers
Trial Date: None Set
Action Filed: May 11, 2020

On May 13, 2020, Plaintiffs Chancellor Eloy Ortiz Oakley, the Board of Governors of the California Community Colleges, Foothill-De Anza Community College District, Los Rios Community College District, Los Angeles Community College District, State Center Community College District, and San Diego Community College District (Plaintiffs) filed a Motion for Preliminary Injunction (Motion) and a hearing on that Motion was held.

The Court has considered the Motion and documents filed therewith, all of the papers on file in this action, and the evidence and arguments presented at the hearing, and hereby GRANTS Plaintiffs' Motion. The Court finds that each of the necessary elements for issuing a preliminary injunction are met. In particular, the Court finds that Plaintiffs are likely to prevail on the merits of their claims; absent a preliminary injunction, Plaintiffs would be likely to suffer irreparable injuries; the balance of the equities favor Plaintiffs; and the requested relief is in the public interest.

PRELIMINARY INJUNCTION

Now, therefore, it is hereby ORDERED that:

Defendant Betsy DeVos, in her official capacity as Secretary of the U.S. Department of Education and Defendant U.S. Department of Education (with Secretary DeVos, Defendants), and Defendants' officers, agents, servants, employees, and attorneys, and any other persons who are in active concert or participation with them, ARE HEREBY RESTRAINED AND ENJOINED from committing, or performing directly and indirectly, any and all of the following acts during the pendency of this action with respect to any community college in California:

1. Imposing or enforcing any eligibility requirement for students to receive Higher Education Emergency Relief Funds (HEERF Assistance), including those requirements asserted and set forth in: (a) the U.S. Department of Education's guidance document issued on or about April 21, 2020, entitled Frequently Asked Questions about the Emergency Financial Aid Grants to Students under Section 18004 of the Coronavirus Aid, Relief and Economic Security (CARES) Act; and (b) the U.S. Department of Education's guidance document issued on or about April 21, 2020, entitled Frequently Asked Questions about the Institutional Portion of the

Higher Education Emergency Relief Fund under Section 18004(a)(1) and 18004(c) of the CARES Act;

2. Requiring that any California community college accept the eligibility restrictions set forth in the guidance documents identified in paragraph 1 above (HEERF Eligibility Requirements) as part of the terms and conditions in the Recipient's Funding Certification and Agreements that higher education institutions are required to submit in order to access HEERF Assistance; and
3. Penalizing any California community college, including by withholding, terminating, or taking any action to recover HEERF Assistance or any other federal funds, on the basis of any alleged failure to comply with the HEERF Eligibility Requirements.

IT IS SO ORDERED.

Dated: _____

The Honorable Yvonne Gonzalez Rodgers
United States District Court Judge